

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEVINE MARKS,	:	Civil Action No. 4:13-CV-0726
	:	
Plaintiff,	:	(Judge Brann)
	:	
v.	:	
	:	
CORIZON HEALTH CARE INC.,	:	
<i>et. al.</i> ,	:	
	:	
	:	(Magistrate Judge Schwab)
Defendants.	:	

**ORDER**

August 26, 2014

**BACKGROUND:**

The undersigned has given full and independent consideration to the June 19, 2014 report and recommendation of Magistrate Judge Susan E. Schwab. ECF No. 49. No objections have been filed.

Because this Court agrees with Judge Schwab's analysis the Court will not rehash the sound reasoning of the magistrate judge and will adopt the report and recommendation in its entirety.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. United States Magistrate Judge Susan E. Schwab's June 19, 2014 Report and Recommendation is ADOPTED in full. ECF No. 49.

2. Defendants' Motion to Dismiss is GRANTED in part and DENIED in part to the extent set forth in the Report and Recommendation. ECF No. 34.
3. Plaintiff's medical malpractice claims are dismissed in their entirety. The Eighth Amendment claim against Defendant Shoop is dismissed.
4. The action is remanded to Magistrate Judge Schwab for further proceedings.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge